

**REMARKS**

In the Office Action dated September 25, 2008, claims 22-42 stand rejected. Claims 22-42 are pending in this application.

Claims 22-33 and 37-42 stand rejected under 35 U.S.C. § 103(a) for obviousness over United States Patent No. 6,247,413 to Teichmann in view of United States Patent No. 5,775,231 to Kammerhofer et al. Claims 34-36 stand rejected under 35 U.S.C. § 103(a) for obviousness over Teichmann and Kammerhofer in view of United States Patent No. 6,622,637 to Cummins.

Independent claim 22 recites, *inter alia*, "at least one wheelset, a running gear frame, which is supported on said wheelset by means of a primary suspension, a secondary suspension for supporting a coach body on the running gear frame, a tilting device for controlled tilting of the coach body about a longitudinal axis of the railway vehicle and a transversal suspension, wherein said transversal suspension or a transversal damping are arranged above the secondary suspension and below the bottom of the coach body, and wherein an intermediate support is arranged above the secondary suspension, which supports a control member for adjusting the tilt of the coach body with respect to the running gear frame, and wherein that the intermediate support includes a recess through which a holder, which supports the transversal suspension or transversal damping projects."

As discussed on pages 1 and 2 of the present application, the Teichmann patent discloses a bogie running gear for a railway vehicle with a two-axle traveling gear. The traveling gear is secured by means of a primary suspension (15, 16, 17, 18) to a frame (2) on which a pendulum carrier (30), aligned transverse to the direction of travel, is arranged with an interposed secondary suspension (28, 29). The pendulum carrier (30) is connected pivotally about an axis running in the longitudinal direction of the vehicle to a transverse-lying tiltable cross piece (31) bearing the coach body. The cross piece (31) is designed in a frame shape and has two transverse crossbars (46, 47) aligned transverse to the direction of travel which are arranged in front of and behind the pendulum carrier (30), respectively. The cross piece (31) is supported by its crossbars (46, 47) on the pendulum carrier (30) and are arranged displaceable thereon transverse to the direction of travel. The cross piece (31) further has a central middle section (50, 51, 52) which connects the two crossbars (46, 47) below the pendulum carrier (30). The central middle section is connected to the frame (2) of

the running gear to receive longitudinal forces by means of a lemniscates guide such that the cross piece (31) can rotate about a substantially vertical axis and can be deflected substantially transverse to the direction of travel. Furthermore, the pendulum carrier (30) is provided with an active transverse spring system and a roll stabilizing system. The transverse spring system, disposed in the direction of travel in front of and behind the pendulum carrier (30), is formed by means of an active spring element (32, 33) disposed in a transverse manner and by a damping element (34, 35) disposed in a transverse manner as well. The active spring element (32, 33) is disposed at the side adjacent to the associated damping element (34, 35), wherein the spring elements (32, 33) and damping element (34, 35), which are disposed adjacent to one another, are supported with their ends remote from one another on the frame (2) of the running gear (1) and with their ends facing one another in the region of the longitudinal middle plane on a connecting part (36, 37) of the pendulum carrier (30) (see Figs. 1-3).

The Kammerhofer patent discloses a rail vehicle (1) having an undercarriage (5) and a crossbeam (7) extending transversely to a longitudinal direction of a superstructure (2). An elastic element (13) is clamped between a holder (12) and counterholder (11) to elastically connect the crossbeam (7) to the undercarriage (5). The holder (12) is an angled section formed on each side of the crossbeam (7) to receive the elastic element (13). The counterholder (11), positioned in front of and behind the crossbeam (7), has holding rails (11.1, 11.2) for clamping the elastic element (13) (see column 3, lines 18-32; Figs. 2 and 5).

The Teichmann patent and the Kammerhofer patent, alone or in combination, fail to teach or suggest an intermediate support having a recess through which a holder projects as recited in independent claim 22.

The Teichmann patent, as conceded in the Office Action at page 3, fails to disclose an intermediate support having a recess through which a holder projects as recited in independent claim 22. Moreover, the Teichmann patent does not disclose an arrangement of the transversal suspension or transversal damping above the intermediate support, but rather discloses an arrangement of a transversal suspension, *i.e.*, the spring elements (32, 33), and a transversal damping, *i.e.*, the damping elements (34, 35), in front of and behind the pendulum carrier (30), respectively.

The Kammerhofer patent fails to overcome the deficiencies of the Teichmann patent. In particular, the Office Action at page 3 asserts that the compressed-air chambers (17) and holders (12) of the Kammerhofer patent disclose the recess and holder as recited in claim 22. In the Kammerhofer patent, however, reference numeral (17) does not denote a recess through which a holder projects, but rather denotes an enclosed chamber for storing compressed air for operating brakes of the bogies (8). Furthermore, although the holders (12) receive an elastic element (13), the holder (12) disclosed in the Kammerhofer patent does not support a transversal suspension or transversal damping as recited in independent claim 22.

Therefore, for at least the foregoing reasons, the Teichmann patent and the Kammerhofer patent, alone or in combination, fail to teach or suggest all of the limitations of independent claim 22. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 23-42 directly or indirectly depend from and add further limitations to independent claim 22 and are believed to be in condition for allowance for all of the reasons discussed above in connection with independent claim 22.

In view of the foregoing comments, Applicants respectfully requests reconsideration of the rejection of claims 22-42 and allowance of the same.

Respectfully submitted,

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